

**Stanhope Land Use Board
December 12, 2016
Regular Meeting
Minutes**

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**STANHOPE
BOROUGH**

CALL MEETING TO ORDER:

Chairman Maguire called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE:

Chairman Maguire invited all those present to stand in a salute to the colors.

STATEMENT:

Adequate notice for this meeting has been provided according to the Open Public Meetings Act, Assembly Bill #1030. Notice for this Meeting was forwarded to the New Jersey Herald and Daily Record on January 12, 2016 and was placed on the municipal bulletin board.

In the event the Board has not addressed all the items on its agenda by 11:00 p.m., and it is of the opinion that it cannot complete the agenda in a reasonable period, the Board may exercise its option to continue this meeting at an agreed time and place, within ten (10) days of this meeting.

At this time, please turn off all cell phones.

ROLL CALL:

Nicholas Bielanowski - present

James Benson – present

Michael Depew - present

Rosemarie Maio – present (arrived @8:25pm)

Thomas Pershouse - present

John Rogalo – present

Joseph Torelli - present

Paula Zeliff-Murphy - present

John Maguire – present

Others present: Board Attorney Glenn Gavan, Board Engineer Eric Keller and Board Secretary Ellen Horak

MINUTES

October 17, 2016 Regular Meeting – On motion by Ms. Zeliff-Murphy, seconded by Mr. Depew, the Minutes of the October 17, 2016 meeting were approved on unanimous voice vote.

CORRESPONDENCE

10-21-16 Stanhope DPW – Cellco Partnership d/b/a Verizon Wireless, Blk 11801 Lot 1 Variance

11-07-16 New Jersey Planning Officials – The New Jersey Planner (Sept./Oct.)

11-08-16 Board Engineer Eric Keller – Cellco Partnership d/b/a Verizon Wireless, Blk 11801 Lot 1

11-10-16 Gregory Meese, Esq. – “Description of Variances & Justification for Same” in response to Eric Keller’s review memorandum re: Cellco Partnership Blk 11801 Lot 1 Variance Application

11-18-16 Sussex County Dept. of Engineering & Planning – Cellco Partnership d/b/a Verizon Wireless, Blk 11801 Lot 1 Variance

On motion by Mr. Torelli, seconded by Ms. Zeliff-Murphy and carried by unanimous voice vote, the Correspondence List was accepted and placed on file.

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS:

Chairman Maguire opened the meeting to the public for non-agenda items. Seeing no one from the public wishing to speak, Chairman Maguire closed the public portion of the meeting.

NEW HEARING

16-03, Cellco Partnership d/b/a Verizon Wireless

Block 11801, Lot 1 – Use & Bulk Variance and Site Plan Waiver

Deemed Complete: 10/17/16

120 days: 02/14/17

Mr. Depew stepped down.

Michael Breen, Esq. from the firm Price, Meese, Shulman & D'Arminio appeared on behalf of the applicant, Cellco Partnership d/b/a Verizon Wireless. The applicant filed an application seeking approval for a telecommunication facility to be located atop Lenape Valley Regional High School. The facility is known as a small network node to consist of two small panel antennas and equipment. The proposal is to provide relief to high data usage areas. The applicant is seeking a height variance because the height limitation in the zone is 35 feet and the existing building is 40 feet tall, with an HVAC unit extending to 46.5 feet. They are also seeking preliminary and final site plan approval and waivers in connection with this application. Mr. Breen stated the hearing was properly noticed and a copy of the site plan exemptions was provided.

Frank Pazden from the firm Maser Consulting, 400 Valley Road, Mount Arlington, NJ came forward and provided his educational background and qualifications as an engineer. The Board accepted Mr. Pazden as an expert in the field. Mr. Pershouse stated Mr. Pazden's firm is the engineering firm for his full-time employer and asked if it was a conflict if he participates in the hearing. Mr. Gavan stated he does not believe it is a conflict under the laws. Mr. Pazden described the details of the site and proposed facility. Mr. Pazden referred the Board to sheets he previously provided. Sheet Z-2 of the plans submitted show the overall site plan dated September 15, 2016 issued as final. The sheet shows the front of the high school from Sparta Road with a parking lot to the south and fields in the back. Their proposal will have everything located towards the west side of the high school. Sheet Z-3 is an enlarged view of the roof plan and shows the overall high school. They are proposing to install 2 antennas at the northwest corner of the building and northeast of the highest area. There will be a small platform to hold the cabinets and will be put on the 8' x 8' area. It will be about 7-1/2' off the roof. From the cabinet, there will be a cable tray across the roof and another that runs to the 2 antennas. The facility is unmanned and will be visited by a technician every 4 to 6 weeks. They propose to install a caged access ladder so it can be inspected. A ladder will be installed where the antennas are on the higher roof for future access for maintenance. They are not proposing anything outside the footprint but will install a generator receptacle about 3 feet off the grade to provide backup power to the telecommunication facility in case of a power outage. It will be a temporary portable generator that would be brought to the site if needed. It will be a small residential size generator. The antennas are approximately 6 feet tall and 12 inches high and mount on a triangular ballast mount. There will be no environmental impact. Chairman Maguire asked if the pad is secured to the roof. Mr. Pazden responded the weight of the equipment holds it in place. They conducted wind study loads and yes it will be supported. Mr. Pershouse stated the applicant would need to submit to the construction department proper documentation for wind in order to obtain permits. Attorney Gavan asked the intentions of the generator to which Mr. Pazden responded it would not be brought in for every power outage only substantial outages. When asked the wattage of the generator, Mr. Pazden responded the generator will be about 6,000 watts. Mr. Pershouse stated the high school had a new roof installed and he asked if they would be voiding any warranty. Mr. Pazden responded they will coordinate to

maintain the warranties. Mr. Pershouse questioned future expansion. Chairman Maguire stated the application is requesting a specific thing and anything additional would require Board approval. Ms. Zeliff-Murphy asked what a mica site is. Mr. Pazden explained a mica site is about 12 antennas; it is a greater quantity. Mr. Pazden assured the Board the generator is not on-site. If something catastrophic were to happen it would be brought to the site. Mr. Keller noted a ladder shown on the other side of the equipment cabinet. Mr. Pazden explained it is an existing ladder. Mr. Keller asked if there is access from the interior of the high school as well. Mr. Pazden stated the cabinets are locked and monitored remotely. Anyone access the roof to maintain the HVAC system would not get access to the equipment. Mr. Pazden added the high school has not raised this as an issue. Mr. Pazden stated the equipment cabinet is about 7-1/2 feet which puts it at an elevation on 9 feet. Mr. Keller asked if the existing structures are higher in elevation than the equipment cabinet. Mr. Pazden responded in the affirmative. Mr. Keller noted the cable trays and details on the plans say "if they are covered" but does not say the conditions of whether they will be covered or not. Mr. Pazden responded they will be covered. Mr. Torelli asked if there is any issue with the fire department gaining access if the ladders are locked. Mr. Pazden responded the high school will have access to the ladder. Mr. Pershouse noted the high school has a Knox Box. Mr. Keller suggested a key be added to the Knox Box.

Stephanie Koles, Radio Frequency Engineer for Verizon Wireless came forward and provided her educational background and qualifications as a radio frequency engineer including working with Verizon for eleven years. The Board accepted Ms. Koles as an expert in the field. Ms. Koles described the necessity for the site. Verizon constantly provides a certain level of service to subscribers. Technology changes and subscribers grow. Right now, it is all about data and subscribers have certain needs. Ms. Koles stated they have a certain level of responsibility to provide coverage in New Jersey and for 911 calls. Ms. Koles explained macro sites are about 120 feet high and consist of sectors (group of antennas) that require a certain level of capacity to the area they are pointing. They have a site in Hopatcong that is in need of capacity help. Ms. Koles presented a graph depicting data taken from the network, which was marked Exhibit A1. The FDV (forward data volume) shows a 13-month period from January 1, 2016 to October 1, 2017 and indicates data exhaustion on that sector. The graph shows the trend is increasing. The number of devices is growing as well as the number of subscribers and Verizon must meet that demand. The small network node is designed to target a specific area. It is not a macro site. Ms. Koles presented another graph depicting a distance histogram which was marked Exhibit A-2. The left shows data connections and the scale on the bottom is in miles (0 - 9.7 miles). This graph is looking at the Hopatcong sector. The graph shows the number of data connections at that distance. At about 1.6 - 1.75 miles there is a huge "blip" on the radar (traffic from the high school). Over a 7-day period there is 120,000 data connections in the area which is why we are targeting the high school. The Hopatcong site is 1.75 miles from the high school. It is the most sufficient way to address the data issue. Chairman Maguire asked the range of the site. Ms. Koles responded it is a small network node. The antenna covers parts of the roadway and up to the high school. Ms. Zeliff-Murphy asked if this is a short term or long term "fix." Ms. Koles responded it is a long-term fix. They can add capacity through the same antennas. Mr. Torelli asked why the Hopatcong facility cannot be enlarged. Ms. Koles responded they have done everything possible they can do to expand capacity at the Hopatcong sector. Ms. Koles stated the antennas are designed at the height they are 1) for safety reasons and 2) it is a 2-antenna site and they are placed on the building such as we can take advantage of any window. They point down around the high school property. Antennas are designed to point most of the energy in a certain direction.

Michael Fischer, Wireless Consulting Engineer came forward and provided his education and professional background in the field of Radio Frequency Consulting Engineering and Safety. Mr.

Fischer was accepted by the Board as an expert in his field. Mr. Fischer described the safety aspects of the facility, adding the site is in strict compliance with FCC standards and exposure from this facility would be below 1% of the FCC standards. You can touch the antennas (not recommended, but can be done) without harm. Verizon requires signage at the site that says "Do No Touch the Antennas." Verizon has a corporate requirement that all ladders required to be locked or access points be alarmed and monitored. The antennas will be on the edge of the roof so someone cannot stand in front of the antenna. There is no concern about anyone on the lower rooftop. The way the antennas are mounted makes it impossible to stand in front of them. The energy from the antennas are projected from the front of the antenna. Chairman Maguire expressed concern with someone trying to touch the antenna, noting it will be on a high school where there is a potential for the unknown. Mr. Fischer responded Verizon requires landlord lock access. Mr. Pershouse confirmed the access to the roof is locked by the high school.

William F. Masters, Jr. Professional Planner came forward and provided the Board with his education background the professional qualifications as a professional planner licensed in the State of New Jersey for the past 35 years. Mr. Masters was accepted by the Board as an expert in the field of professional planning. Mr. Masters stated the applicant is seeking a d-1 use variance due to the fact that the proposed use is not a permitted use in the zone district nor is it a permitted use in any of the zone districts in the Borough of Stanhope. In addition, the applicant is seeking d-6 relief (height variance) because the proposed top of 49.1 feet exceeds the minimum height of 35 feet. Mr. Masters noted Mr. Keller's report regarding the positive criteria in which he indicates the applicant must show that the site is particularly suited for the proposed use. Mr. Masters stated this site meets the positive criteria as was heard through testimony indicating the site is ideally located from a technical capacity; the site achieves the radio frequency needed. Secondly, they are able to take advantage of an existing building so there is no need to construct a new structure. Mr. Masters noted the site is a large lot consisting of 47.88 acres in a one acre medium density zone district. The building is a large building with an enormous roof scape. There is limited visual impact due to the location the equipment is being placed on the roof. Mr. Masters added they also have a willing landlord that contributes to the suitability of the site. Verizon Wireless maintains 4 FCC licenses. Mr. Masters stated the negative criteria is the primary focus is the potential visual impact. With respect to this application, the visual impact with regard to aesthetics does not rise to the level of substantial detrimental impact. Mr. Masters presented photo-simulations which were marked as Exhibit A-3 that consists of 8 mounted photographs of the existing high school which were taken on September 3, 2016. The images were computer enhanced to show the antenna nodes. Mr. Masters presented an aerial photograph (Google Earth) dated September 18, 2013 which was marked Exhibit A-4. They highlighted on the aerial the location of the 2 panel antennas. The lower roof is 9-1/2 feet lower than the roof the antennas will be located on. They are proposing a 64-square foot equipment platform. Mr. Masters stated the photo simulations show the facility will not have a substantial visual impact on the surrounding neighborhood. The facility will not produce any objectionable noise or odor. Mr. Masters added that because the equipment cabinets are mounted on an existing impervious surface, there will be no ground disturbance and no increase in stormwater runoff. Mr. Masters noted the Board's concern regarding safety and said the Board's suggestion of installing gates on the ladder would be a reasonable condition the Board may impose on the application. Mr. Masters addressed the positive criteria stating this is a small network node with antennas as opposed to a macro site that has 12 antennas and the height is needed to achieve their technical objectives. Mr. Masters added this will provide users within this section of Stanhope and users closer to existing macro sites, improved and more reliable service.

Chairman Maguire noted Mr. Pershouse's statement that the school has a number of locks to the roof and said he does not feel additional protection on the unprotected ladder would be necessary since it is a secured location.

Chairman Maguire opened the meeting to the public for comments or questions on this application. Seeing no one from the public wishing to speak, Chairman Maguire closed the public portion of the meeting.

On motion by Mr. Pershouse, seconded by Mr. Rogalo and carried by the following majority roll call vote, the Board approved the D-1 Variance; D-6 Variance and Preliminary and Final Site Plan application submitted by Cellco Partnership d/b/a Verizon Wireless for Block 11801, Lot 1 including all standard conditions and provisions required by the Board and Board Engineer including the condition that the key for the locking gate is to be put into the high school's Knox Box.

AFFIRMATIVE: Mr. Benson, Mr. Pershouse, Mr. Rogalo, Mr. Torelli, Ms. Zeliff-Murphy,
Chairman Maguire
OPPOSED: Mr. Bielanowski
ABSTENSIONS: None

Mr. Depew and Mayor Maio, who arrived during the hearing and sat in the audience, returned to the dais.

BILLS:

New Jersey Herald		
11/8/16	Legal Notice – Resolution of Memorialization (Bruzzese)	\$ 18.60
11/8/16	Legal Notice – Award Contract (Board Attorney)	\$ 11.70

Bowman Consulting Group, Ltd		
12/7/16	Re: Cellco Partnership	\$385.00

On motion by Mr. Depew seconded by Ms. Zeliff-Murphy, and carried by the following majority roll call vote, the Board approved the bill of Dolan & Dolan for the Bruzzese application.

AFFIRMATIVE: Mr. Bielanowski, Mr. Benson, Mr. Depew, Mr. Pershouse, Mr. Rogalo, Mr. Torelli, Ms. Zeliff-Murphy, Chairman Maguire
OPPOSED: None
ABSTENSIONS: Mayor Maio

ADJOURNMENT:

On motion by Mr. Rogalo, seconded by Mr. Torelli, it was the consensus of the Board to adjourn the meeting at 8:30 P.M.

Respectfully submitted,



Ellen Horak, Board Secretary

